

WILLOUGHBY & HOEFER, P.A.

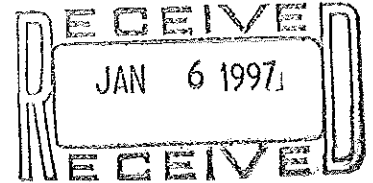
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S. C. PUBLIC SERVICE COMMISSION



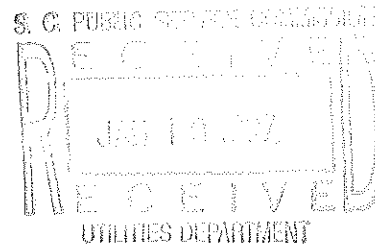
MITCHELL M. WILLOUGHBY
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January 3, 1997

*ALSO ADMITTED IN NC
**ALSO ADMITTED IN TX
***ALSO ADMITTED IN NY

The Honorable Charles W. Ballentine
Executive Director
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, SC 29211



RE: Application of DeltaCom, Inc. For a Certificate of Public Convenience and
Necessity to Provide Local Exchange Telecommunications Services
Docket No. 96-314-C

Dear Mr. Ballentine:

Enclosed for filing is the original and ten (10) copies of a Stipulation between the South Carolina Telephone Coalition ("SCTC") and DeltaCom, Inc. ("DeltaCom") in the above matter. DeltaCom has entered into the Stipulation based upon the SCTC's representation in the attached letter that it is not intended to override any policies, guidelines, or procedures that the Commission might adopt for competitive local exchange carriers in the future. It is also our understanding that, as a result of this Stipulation, the SCTC will withdraw its testimony previously filed in the matter.

I would appreciate your acknowledging receipt of these documents by file-stamping the additional copy of this letter which is enclosed and returning it to me in the envelope

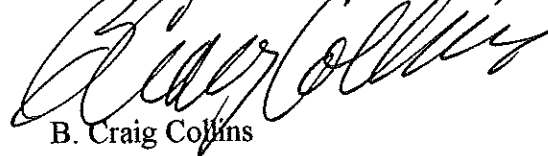
(Continued...)

The Honorable Charles W. Ballentine
January 3, 1997
Page 2

provided. If you have any questions or if you need any additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

WILLOUGHBY & HOEFER, P.A.



B. Craig Collins

BCC/cc
Enclosure

cc: Florence P. Belzer, Esquire
Harry M. Lightsey, III, Esquire
Elliott F. Elam, Jr., Esquire
Margaret M. Fox, Esquire
Rodney N. Hyatt, Esquire

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December 20, 1996

B. Craig Collins, Esquire
Willoughby & Hoefer, P.A.
Post Office Box 8416
Columbia, South Carolina 29202-8416

RE: Application of DeltaCom, Inc. for a Certificate of Public Convenience and Necessity to Provide Local Telecommunications Services Throughout the State of South Carolina (Docket No. 96-314-C)

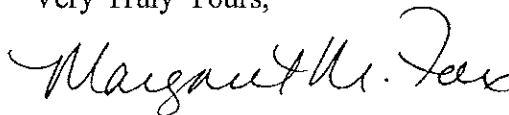
Dear Craig:

As we have discussed, the South Carolina Telephone Coalition is hesitant to make changes to the Stipulation I sent to you regarding the above-referenced matter. This Stipulation, which has already been signed by Intermedia, Sprint, and LCI, is intended to be a uniform agreement. The uniformity of the agreement benefits both the Coalition and new entrants into the local market by ensuring that any conditions on entry into rural markets are the same for all parties. In the interest of uniformity, I have denied other carriers' requests for minor changes in the language of the Stipulation.

However, it is not our intention to hold DeltaCom to the terms and conditions of this agreement in the event that the Commission adopts policies, guidelines, or procedures generally applicable to all competitive local exchange carriers in South Carolina which conflict with the specific terms and agreements of the Stipulation.

I hope that this acknowledgement will be acceptable to your client. I have enclosed a clean copy of the proposed Stipulation. I would appreciate you letting me know as soon as possible if you foresee any problem with this, as our testimony in this matter is due on Monday, December 23, 1996.

Very Truly Yours,



Margaret M. Fox

MMF:sg
Enclosure

RECEIVED

DEC 23 1996

Willoughby & Hoefer, P.A.

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

Docket No. 96-314-C

POSTED
1/19/97

S.C. PUBLIC SERVICE COMMISSION
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Re: Application of DeltaCom, Inc. for a)
Certificate of Public Convenience and)
Necessity to Provide Local)
Telecommunications Services Throughout)
the State of South Carolina)
)
)
)

ACCEPTED
Legal [Signature] 1/18/97

STIPULATION

The South Carolina Telephone Coalition ("SCTC") and DeltaCom, Inc. ("DeltaCom") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, the necessity for SCTC's intervention in this matter is avoided and SCTC withdraws its opposition to DeltaCom's Application. SCTC and DeltaCom stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to DeltaCom, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.

2. DeltaCom stipulates and agrees that any Certificate which may be granted will authorize DeltaCom to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.

3. DeltaCom stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.

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UTILITIES DEPARTMENT

4. DeltaCom stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until DeltaCom provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, DeltaCom acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. DeltaCom stipulates and agrees that if, after DeltaCom gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law, or the Commission institutes a proceeding of its own, then DeltaCom will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. DeltaCom acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

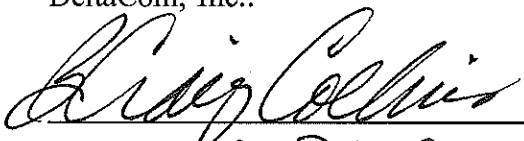
7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. DeltaCom agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

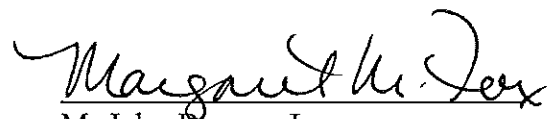
9. DeltaCom hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 20th day of December, 1996.

DeltaCom, Inc.:


Attorney for DeltaCom, Inc.

South Carolina Telephone Coalition:


M. John Bowen, Jr.
Margaret M. Fox
McNair Law Firm, P.A.
Post Office Box 11390
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(803) 799-9800

Attorneys for the South Carolina
Telephone Coalition